

REGULAR SESSION-BOARD OF QUAY COUNTY COMMISSIONERS

January 23, 2009

9:00 a.m.

BE IT REMEMBERED THE HONORABLE BOARD OF QUAY COUNTY COMMISSIONERS met in regular session the 23rd day of January, 2009 at 9:00 a.m. in the Commissioners' Room of the Quay County Courthouse, Tucumcari, New Mexico for the purpose of taking care of any business that may come before them.

PRESENT & PRESIDING:

Franklin McCasland, Chairman
Robert Lopez, Member
Bill Curry, Member
Richard Primrose, County Manager
Ellen White, County Clerk

OTHERS PRESENT:

Larry Moore, Quay County Road Superintendent
Colette Vanderpool, Quay County Manager's Office
Reggie Tuck, David Leaman, Al Smith, Sammy Poorman, Representatives of Ranch Enterprises, dba Pinon Point Subdivision
Janie Murray, Quay County Assessor
Susan Lease, Quay County ASAP Coordinator
Bryan Rinestine, Quay County DWI Coordinator
Larry Cooksey, Quay County Under-Sheriff

The meeting was called to order by Chairman Franklin McCasland. Bryan Rinestine led the Pledge of Allegiance.

A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the minutes from the January 12, 2009 regular meeting. MOTION carried with all members voting "aye".

A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the agenda as presented. MOTION carried with all members voting "aye".

PUBLIC COMMENTS: NONE

Quay County Commissioner Bill Curry read a statement regarding the position of the Quay County Board of Commissioners regarding the approval of the Pinon Point Subdivision. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to accept the statement for part of the public record and have the same filed in the real estate records with the Quay County Clerk. MOTION carried with all members voting "aye". A copy of said statement is attached and made a part of these minutes. The document can be located in the Quay County Clerk's Office with the recording document number of #200901230003.

Reggie Tuck, presented the request for approval of the Pinon Point Preliminary Plat. Quay County Manager stated he has reviewed the application and found all documents to be in proper

order for approval following the Tenth Judicial District Court order mandating the Board of Quay County Commissioners accept and approve said Subdivision. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the Preliminary Plat as presented. MOTION carried with all members voting "aye". Following approval of the Preliminary Plat, Tuck requested approval of the Final Plat. A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve the Final Plat as requested. MOTION carried with all members voting "aye".

Chairman McCasland requested a 15 minute recess to allow the Quay County Clerk to record the Subdivision Plats for Pinon Point. Time noted 9:15 a.m.

Return to regular session. Time noted 9:30 a.m.

Bryan Rinestine, DWI Coordinator presented the quarterly report for the time period of 10/1/2008 through 12/31/2008. A copy of said report is attached and made a part of these minutes. County Manager, Richard Primrose informed the Board of Commissioners that he would not be submitting the Local DWI Grant Application for funding this year. The amount awarded last year was only \$5,000.00 and less is expected to be distributed this year. The DWI Distribution proceeds will stay in place and will be used to operate the program.

Larry Cooksey, Quay County Under-Sheriff presented the following Resolutions for approval:

1. Resolution for Fiscal Year 2008-2009 No. 32; Authorization of Budgetary Increase for Drug Enforcement (603-12)
2. Resolution for Fiscal Year 2008-2009 No. 33; Authorization of Budgetary Increase for Sheriffs' Department (603-12)

A MOTION was made by Bill Curry, SECONDED by Robert Lopez to approve both Resolutions Numbered 32 and 33 as presented. MOTION carried with all members voting "aye". Copies of said Resolutions are attached and made a part of these minutes.

Susan Lease, Quay County ASAP Coordinator presented an update on proposed 2009 legislation regarding underage drinking. The following items of concern will be addressed in the upcoming legislative session:

1. Ban Caffeinated Alcohol Energy Drinks
2. Prohibit Underage Intoxication
3. Regulate Alcohol Advertising to Minors
4. Expand County Option for Taxing Alcohol
5. Tax "Alcopops" at an appropriate rate

Lease, along with DWI Coordinator Bryan Rinestine discussed the issues and explained the items listed above. Both Lease and Rinestine urged the Commissioners to support the legislation when the time arises as bills are introduced.

Larry Moore, Quay County Road Superintendent gave the following report:

1. Recently attended the RPO meeting in Santa Fe, New Mexico.
2. The dozer has been repaired and is back in use.
3. Two miles of repairs have been completed on Quay Road AE. Quay Road 70 will be the next project.
4. Repairs have been made to cattle guards near Quay Road U and Quay Road 70.
5. Lease Agreements have been signed for the new blades.
6. Quay Road 60 in the area of the Ina Little residence has been bladed.
7. Moore will be attending the NMAC Mid-Winter Conference in Santa Fe on January 27 through January 29, 2009.

Commissioner Lopez stated he had received a call from Alex Galvan regarding the poor condition of his road. Moore said he was trying to work on it but it will need more extensive repairs as soon as time allows.

County Manager, Richard Primrose presented the following report:

1. Presented the Depository/Authorized Signatories Designation Form for the CBDG project. The form authorizes Misty Vick and Donna Dominguez to be the authorized signors. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the Signature Form as presented. MOTION carried with all members voting "aye". A copy of said Form is attached and made a part of these minutes.
2. Attended the Ute Water Commission Meeting on January 16, 2009 along with Commissioner Curry. Items of concern included the approval of the sale of water at Ute Lake by the City of Tucumcari and County of Quay. As well, approval was granted to extend the water reservation fee at \$1.50 an acre foot.
3. Presented emails and correspondence from Paul Gutierrez of the New Mexico Association of Counties and Lynn Ditto from Senator Bingaman's office regarding the Stimulus Package and the distribution process.
4. Received an email from Quay County ASAP coordinator Susan Lease regarding "Through with Chew Week" being recognized February 15th through 21st. As well, the "Great American Spit Out" is scheduled for Thursday, February 19th.
5. Presented House Bills 27 and 48 regarding Health Care Taxes regarding Primary Care and Indigent Care funds being intercepted and distributed by the State to the University Hospital.
6. Provided a notice from the Village of San Jon regarding an auction of used equipment to be held on February 10, 2009.
7. Provided copies of the Department of Finance second quarter report.
8. Received information from the Food Bank regarding the Peanut Butter recall.
9. Received notification that Michael Thrasher is the new Fire Chief at the Porter Fire Department.
10. Senator Hardin and Representative Roch have responded to the invitation by Primrose to have lunch with the Commissioners and Primrose on January 28, 2009 to discuss legislative issues.
11. Primrose along with other staff and elected officials will be attending the New Mexico Association of Counties Mid-Winter conference January 27th through January 29th in Santa Fe.
12. Received an invitation from Paul Gutierrez, NMAC Executive Director to attend a breakfast at the NMAC office on January 30 or February 2, 2009 to discuss legislative issues.

13. Reminded everyone that February 2nd is the ACI Reception, February 3rd is Business Day and February 4th is Quay Day in Santa Fe.
14. Most of the employees have new computers installed and the new servers are running.
15. Two roofers have looked at the Fair Barn and it has been decided to foam the north side and patch the south side.
16. Met with Danny Estrada, Maintenance Supervisor regarding the lack of parking at the courthouse. Ideas to install angle parking either in front of the courthouse or at the south of the courthouse are being discussed.
17. Heating and cooling issues are being addressed. The boiler is not cost efficient or energy efficient. A recent inspection of the building has determined there is plenty of electricity to the building.
18. Lonny Phelps, Engineer for Ute Lake Ranch has presented revised plats to include additional utility easements. Approval of the Commissioners will be requested at a future meeting.

A MOTION was made by Robert Lopez, SECONDED by Bill Curry, to go into Executive Session pursuant to the Open Meetings Act 10-15-1(H)2&7 NMSA to discuss pending litigation regarding Lee Stone vs. Board of County Commissioners. MOTION carried with Lopez voting "aye", Curry voting "aye" and McCasland voting "aye". Time noted 10:50 a.m.

-----EXECUTIVE SESSION-----

A MOTION was made by Robert Lopez, SECONDED by Bill Curry that pending or threatened litigation was discussed during Executive Session and no action was taken. MOTION carried with Lopez voting "aye", Curry voting "aye" and McCasland voting "aye".

Return to regular session. Time noted 11:45 a.m.

A MOTION was made by Bill Curry, SECONDED by Robert Lopez to go into session as the Indigent Claim Board. MOTION carried with all members voting "aye". Time noted 11:47 a.m.

-----INDIGENT CLAIMS BOARD-----

Return to regular session. Time noted 11:57 a.m.


UNDER OTHER BUSINESS:

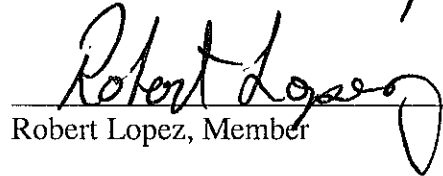
CHECKS WERE REVIEWED. A MOTION was made by Robert Lopez, SECONDED by Bill Curry to approve the expenditures as presented. MOTION carried with all members voting "aye". A copy of the expenditure report is attached and made a part of these minutes.

There being no further business, a MOTION was made by Robert Lopez, SECONDED by Bill Curry to adjourn the regular meeting of the Board of Quay County Commissioners until the next regular meeting set for February 9, 2009, unless sooner called. MOTION carried with all members voting "aye". Time noted 12:03 p.m.

BOARD OF QUAY COUNTY COMMISSIONERS


Franklin D. McCasland, Chairman


Bill Curry, Member


Robert Lopez, Member

ATTEST:


Ellen L. White, County Clerk